

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 3/27/03.

## **I. DISPUTE**

Whether there should be reimbursement for prescription medications, ambulance bill and emergency room admission.

## **II. FINDINGS**

The requestor submitted bills for ambulance and hospital services dated 2/6/03. The bills do not indicate that the injured worker has paid for these services. Per Rule 133.305 (a)(2)(B), the injured worker can file as a requestor only when seeking reimbursement for money paid by the worker for medical services received. The documentation submitted by the claimant/requestor does not support that the ambulance and hospital services had been previously paid by the injured worker. Therefore, the claimant is not a party to this dispute and on this basis, these services will not be reviewed.

## **III. RATIONALE**

The respondent, in their letter of 4/18/03, states that the disputed medication bills had not been received for their review. However, the letter included copies of the receipts submitted by the injured worker, verifying they had received the bills for the medications.

As no EOBs were submitted by either party in this dispute, the disputed prescription medications will be reviewed based upon the 1996 Medical Fee Guideline. The receipts submitted by the requestor indicate that payment was made by the injured worker for Naproxen on 2/5/03 and Hydrocodone on 2/6/03. Reimbursement for these prescriptions is recommended.

## **IV. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for Naproxen paid for on 2/5/03 and Hydrocodone paid for on 2/6/03 in the amount of **\$107.38**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$107.38** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 5<sup>th</sup> day of January 2004.

Noel L. Beavers  
Medical Dispute Resolution Officer